

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-127-AD]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Model 1900D Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Raytheon Aircraft Company (Raytheon) Model 1900D airplanes. The proposed AD would require replacing the passenger oxygen container and mask assembly with an improved design passenger oxygen container and mask assembly. The proposed AD is the result of an incident where a passenger had put on the oxygen mask and the lanyard pin did not automatically pull and initiate oxygen flow during a loss of airplane pressurization while in-flight. The actions specified by the proposed AD are intended to prevent the above situation from occurring on other airplanes, which could result in passenger injury if the lanyard pin is not manually pulled in a timely manner.

DATES: Comments must be received on or before April 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-127-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the Raytheon Aircraft Company, PO Box 85, Wichita, Kansas 67201-0085; telephone:

(800) 625-7043 or (316) 676-4556. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Paul C. DeVore, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4142; facsimile: (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-CE-127-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-127-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received a report of an incident where the lanyard pin did not

automatically pull and initiate oxygen flow when a passenger of a Raytheon Model 1900D airplane put on the oxygen mask, part number (P/N) 129-384005-3. The incident occurred during a loss of airplane pressurization while in-flight. The lanyard is attached to the oxygen mask at one end and to the pin that initiates the oxygen flow at the other end. The FAA has determined that excess length of the lanyard was the cause of the above-referenced incident.

The affected oxygen masks are incorporated on Raytheon Model 1900D airplanes, serial numbers UE-1 through UE-338.

This condition, if not corrected, could result in passenger injury if the lanyard pin was not manually pulled in a timely manner.

Relevant Service Information

Raytheon has issued Mandatory Service Bulletin SB 35-3233, Issued: December, 1998, which specifies replacing the existing passenger oxygen container and mask assembly, part number (P/N) 129-384005-3, with an improved design passenger oxygen container and mask assembly, P/N 129-384005-5. This replacement is accomplished by incorporating Puritan Bennett Kit No. 280041-00: Lanyard Retrofit Drop Out Box, which contains all the necessary parts and instructions.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent failure of the oxygen mask lanyard pin to automatically pull and initiate oxygen flow during a loss of airplane pressurization while in-flight, which could result in passenger injury if the lanyard pin is not manually pulled in a timely manner.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Raytheon Model 1900D airplanes of the same type design, the FAA is proposing AD action. The proposed AD would require replacing the existing passenger oxygen container and mask assembly, P/N 129-384005-3, with an improved design passenger oxygen container and mask assembly, P/N 129-384005-5. The proposed

replacement would be accomplished by incorporating Puritan Bennett Kit No. 280041-00: Lanyard Retrofit Drop Out Box, which contains all the necessary parts and instructions.

Differences Between the Service Information and the Proposed AD

The compliance time presented in Raytheon Service Bulletin SB 35-3233, Issued: December, 1998, is "as soon as possible after receipt of this Service Bulletin, but no later than 600 hours after receipt of this Service Bulletin." The FAA concurs that the action should be accomplished as soon as possible, but has no way of enforcing this compliance time. The FAA also assumes that what Raytheon means by "600 hours after receipt of this Service Bulletin" is 600 hours time-in-service (TIS).

In order to assure that the replacement required by the proposed AD is accomplished within a reasonable period of time without inadvertently grounding the affected airplanes, the FAA is proposing a compliance time of "within the next 200 hours TIS after the effective date of this AD."

Cost Impact

The FAA estimates that 300 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 4 workhours per airplane to accomplish the proposed replacement, and that the average labor rate is approximately \$60 an hour. Parts will be provided at no cost to the owners/operators of the affected airplanes. Based on the figures presented above, the total cost impact of the proposed AD on U.S. operators is estimated to be \$72,000, or \$240 per airplane.

Raytheon is also offering warranty credit for labor, as well as parts, provided that all paperwork is submitted no later than December 31, 1999.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a

"significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Raytheon Aircraft Company (Type Certificate No. A24CE formerly held by the Beech Aircraft Corporation): Docket No. 98-CE-127-AD.

Applicability: Model 1900D airplanes, serial numbers UE-1 through UE-338, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD after the effective date of this AD, unless already accomplished.

To prevent failure of the oxygen mask lanyard pin to automatically pull and initiate oxygen flow during a loss of airplane pressurization while in-flight, which could result in passenger injury if the lanyard pin is not manually pulled in a timely manner, accomplish the following:

(a) Within the next 200 hours time-in-service after the effective date of this AD, replace the passenger oxygen container and mask assembly, part number 129-384005-3 (or FAA-approved equivalent part number), with an improved design passenger oxygen container and mask assembly, part number 129-384005-5 (or FAA-approved equivalent part number). Accomplish this replacement by incorporating Puritan Bennett Kit No. 280041-00: Lanyard Retrofit Drop Out Box, which contains all the necessary parts and instructions. This kit is referenced in Raytheon Mandatory Service Bulletin SB 35-3233, Issued: December, 1998.

(b) As of the effective date of this AD, no person may install, on any affected airplane, a passenger oxygen container and mask assembly that is not of an improved design, part number 129-384005-5 (or FAA-approved equivalent part number).

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Raytheon Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine these documents at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 22, 1999.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-4891 Filed 2-26-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AWA-1]

RIN 2120-AA66

Proposed Modification of the San Francisco Class B Airspace Area; CA

AGENCY: Federal Aviation Administration (FAA), DOT.